

Message Text

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ORIGIN OES-06

INFO OCT-01 AF-08 ARA-06 EA-07 EUR-12 NEA-10 IO-13 ISO-00

FEA-01 ACDA-07 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00

CIAE-00 CIEP-01 COME-00 DLOS-06 DODE-00 DOTE-00 EB-07

EPA-01 ERDA-05 FMC-01 TRSE-00 H-02 INR-07 INT-05

JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OMB-01 PA-01 PM-04

PRS-01 SP-02 SS-15 USIA-06 SAL-01 /153 R

DRAFTED BY OES/OFA/FA:LNSCHOWENGERDT:BSHALLMAN:MAF

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ARA/PAN - D. WAGNER

EUR/SE - J. RATIGAN

L/OES - D. COLSON

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FM SECSTATE WASHDC

TO AMEMBASSY CARACAS

AMEMBASSY PANAMA

AMEMBASSY ATHENS

AMEMBASSY MEXICO

AMEMBASSY SANTO DOMINGO

INFO AMEMBASSY COPENHAGEN

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COPENHAGEN FOR FISHATT

E.O. 11652: N/A

TAGS: EFIS, PLOS, PFOR, VE, GR, PN, EI, MX, DR

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SUBJECT: P.L. 94-265, FOREIGN FISHING OFF US COAST AFTER

MARCH 1, 1977

REF: (A) CARACAS 12216 (B) STATE 90067 (C) MEXICO 14751

1. EMBASSIES WILL RECALL PASSAGE OF FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976 (P.L. 94-265) LAST APRIL, COPIES OF NEW LAW WHICH WERE POUCHED AT THE TIME AND RELATED CABLE FROM DEPARTMENT THAT EXPLAINED AND SUMMARIZED NEW LAW FOR BENEFIT OF HOST GOVERNMENTS.

2. VESSELS FROM COUNTRIES OF ADDRESSEE POSTS HAVE OCCASIONALLY FISHED OFF U.S. COAST IN RECENT YEARS, ALTHOUGH RARELY. P.L. 94-265 WILL, ON MARCH 1, 1977, PROHIBIT FISHING IN U.S. 200-MILE FISHERY CONSERVATION ZONE EXCEPT BY PERMIT ISSUED PURSUANT TO U.S. LAW AND TO TERMS OF A GOVERNING INTERNATIONAL FISHERY AGREEMENT (GIFA) BETWEEN THE U.S. AND THE VESSEL'S FLAG STATE.

3. EMBASSIES ARE REQUESTED TO REMIND HOST GOVERNMENTS OF APPROACH OF MARCH 1 IMPLEMENTATION DATE, NOTING THAT WE ASSUME VESSELS OF THEIR FLAG WILL NOT FISH WITHIN U.S. 200-MILE ZONE AFTER FEBRUARY 28, IN ACCORDANCE WITH NEW LAW.

NONE OF THE HOST GOVERNMENTS HAVE INDICATED ANY DESIRE TO NEGOTIATE A FISHERIES AGREEMENT WITH THE U.S. UNDER THE NEW LAW AND WE DO NOT EXPECT THEM TO. THIS IS JUST A REMINDER OF THE IMPENDING CHANGE IN FISHERIES REGULATION OFF OUR COASTS.

4. FOR CARACAS: UNTIL MARCH 1, VENEZUELAN, OR ANY OTHER, VESSELS HAVE RIGHT TO FISH OUTSIDE PRESENT 12-MILE CONTIGUOUS FISHERY ZONE OFF U.S. COASTS. U.S. HAS NOTED THE INTENTION OF TWO VENEZUELAN VESSELS TO FISH OFF U.S. EAST COAST AS REPORTED REFTTEL, BUT ASSUME SUCH FISHING WILL CEASE AFTER FEBRUARY 28. IT SHOULD BE NOTED THAT SQUID RESOURCE OFF U.S. EAST COAST IS ALREADY FULLY UTILIZED AND NO SURPLUS IS ANTICIPATED FOR NEW ENTRANTS IN NEAR FUTURE, IF EVER, AND GOVERNMENT SHOULD NOT BE ENCOURAGED TO REQUEST GIFA WITH U.S.
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5. FOR PANAMA: PANAMANIAN FLAG FISHING VESSELS THAT HAVE BEEN SIGHTED FISHING OFF U.S. COAST IN PAST YEAR OR SO HAVE ALL BEEN OF KOREAN OWNERSHIP. IN FACT, SOME EVEN HAVE PUSAN PAINTED ON STERN FOR HOMEPORT. NEVERTHELESS, THEY ARE FLYING PANAMANIAN FLAG AND GOP SHOULD BE AWARE OF POTENTIAL FOR ARREST OF SUCH VESSELS FOUND FISHING IN ZONE AFTER FEBRUARY 28. THE FACT THAT KOREA MAY HAVE

GIFA WITH U.S. WILL HAVE NO BEARING ON SUCH PANAMANIAN FLAG VESSELS.

6. FOR ATHENS: WE HAVE NOT SEEN MORE THAN ONE GREEK FISHING VESSEL OFF U.S. EAST COAST AT ANY TIME IN RECENT YEARS.

7. FOR MEXICO: RESPONSE OF GOM (PARA 4, REFTEL C) TO EMBASSY INQUIRY RE POSSIBLE MEXICAN FISHING OFF U.S. COAST AFTER MARCH 1 SOMEWHAT TROUBLESOME TO DEPT. US/MEXICO FISHERIES AGREEMENT DOES NOT IN ITSELF PROVIDE FOR GOM FISHING OFF U.S. COAST. PRINCIPLE OF RECIPROCITY IS PROVIDED FOR IN ARTICLE XV AND THERE IS NO PROBLEM WITH THIS IN PRINCIPLE. AGREEMENT ITSELF, HOWEVER, IS NOT RECIPROCAL FISHERIES AGREEMENT. NO TERMS ARE PROVIDED FOR MEXICAN FISHERY OFF U.S. COAST, AND LANGUAGE THROUGHOUT REFLECTS THIS. IF MEXICAN FISHERMEN WANT TO FISH OFF U.S. COAST AFTER MARCH 1, SEPARATE AGREEMENT WILL BE NECESSARY. PLEASE ENSURE THAT GOM UNDERSTANDS THIS, AND THAT MEXICAN FISHING OFF U.S. COAST MAY NOT BE AS SIMPLE AS REFTEL (C) INDICATES GOM BELIEVES.

8. FOR SANTO DOMINGO: IT IS DEPT'S UNDERSTANDING THAT DOMINICAN REPUBLIC FISHERMEN DO NOT PRESENTLY FISH OFF

PUERTO RICO, WHICH WILL HAVE 200-MILE FISHERIES ZONE UNDER P.L. 94-265. HOWEVER, DUE TO PROXIMITY OF DOMINICAN REPUBLIC AND PUERTO RICO, PARTICULARLY TAKING INTO ACCOUNT MONA ISLAND (WHICH BELONGS TO PUERTO RICO), DEPT. BELIEVES IT ADVISABLE TO APPROACH GODR TO ENSURE THAT NO FISHING OFF PUERTO RICO, INCLUDING MONA ISLAND, DOES OCCUR. EMBASSY SHOULD BE AWARE THAT PUERTO RICAN LIMITED OFFICIAL USE

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FISHERMEN DO OPERATE OFF THE DOMINICAN REPUBLIC, BEYOND THE 12-MILE FISHERIES LIMIT DEPT. UNDERSTANDS IS CLAIMED BY GODR. EMBASSY CONTACT WITH GODR SHOULD BE AS LOW-KEY AS POSSIBLE, SINCE WE ARE NOT ANXIOUS TO STIMULATE 200-MILE CLAIM BY GODR, WHICH WOULD SERIOUSLY IMPACT ON PUERTO RICAN FISHERMEN AND WOULD NECESSITATE POSSIBLY DIFFICULT NEGOTIATIONS ON FISHERIES ARRANGEMENTS.

9. POSTS, AND HOST GOVERNMENTS, PARTICULARLY PANAMA, MEXICO, AND CARACAS, SHOULD BE AWARE THAT NEW U.S. LAW AND NECESSITY OF HAVING AGREEMENT WITH U.S. TO FISH OFF U.S. COAST DOES NOT PERTAIN TO FISHING FOR TUNA, WHICH IS EXCLUDED FROM U.S. LAW AND U.S. JURISDICTION AS SPECIES REQUIRING INTERNATIONAL MANAGEMENT. KISSINGER

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